

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

HORTON HOMES, INC.,)	
)	
PLAINTIFF,)	
)	
v.)	CASE NO.: 2:07-cv-506-MEF
)	
LARUE BANDY, et al.,)	
)	
DEFENDANTS.)	

ORDER

This cause is before the Court on the Motion to Permit Testimony by Contemporaneous Transmission (Doc. # 34) filed by Plaintiff on October 18, 2007 and a motion to continue the October 26, 2007 hearing on Plaintiff's Motion for Preliminary Injunction which is contained in Defendant's Response to Plaintiffs [sic] Motion to Permit Testimony by Contemporaneous Transmission and Motion for Continuance (Doc. # 36) filed on October 22, 2007. The continuation of this Court's hearing on Plaintiff's Motion for Preliminary Injunction had to be rescheduled to October 26, 2007, due to the serious illness of a witness essential to Plaintiff. The illness of this witness now prohibits him from traveling to the October 26, 2007 hearing. Plaintiff asks this Court to allow the testimony of this witness by contemporaneous video transmission. Defendants oppose this request. One of the three attorneys for Defendants has also indicated that he has a conflict with the October 26, 2007 hearing date.

At this time, the Court is not inclined to receive the testimony of Mr. Horton by

contemporaneous video-conference. For this reason, it is hereby ORDERED as follows:

1. The Motion to Permit Testimony by Contemporaneous Transmission (Doc. # 34) is DENIED.

2. The Court does not wish Mr. Horton to be tempted to disregard his doctor's advice and attempt to travel to Montgomery to testify on October 26, 2007. For this reason, the October 26, 2007 hearing is CANCELLED.

3. Defendants' Motion for Continuance is DENIED as MOOT.

4. Plaintiff's counsel is hereby DIRECTED to arrange a telephonic status conference with all parties and the Court participating to commence at **9:00 a.m. on October 25, 2007.** **At this telephone status conference, the Court will discuss with the parties the rescheduling of the continuation of the hearing on the Plaintiff's Motion for Preliminary Injunction. Any possible conflict with any potential date must be raised in that telephone status conference or it will be deemed waived.**

DONE this the 23rd day of October, 2007.

/s/ Mark E. Fuller
CHIEF UNITED STATES DISTRICT JUDGE